(1) 94-1046 NOV 14 1994

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CASE NO._____

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA

OCTOBER TERM, 1994

Ashsha East,
Petitioner, Pro Se

VS.

Bank West Bank
Idaho N.A.
Personal Representative
Of the Estate of
Manford R. Logan

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Petitioner Pro Se
Ashsha East
190 W. Continental Rd.
220-301
Green Valley, AZ 85614
(602) 648-5141

75 pp

A. QUESTIONS PRESENTED FOR REVIEW

1. THAT IDAHO JURISDICTION OF PETITIONER WAS VOID?
2. THAT CONFLICT OF INTEREST OCCURRED?
3. THAT RESPONDENTS BREECHED FIDUCIARY DUTY?
4. THAT FRUAD TO PETITIONER AND COURT OCCURRED?
5. THAT SLANDER AND LIBEL DAMAGED CREDIBILITY?
6. THAT CROP INCOME OF "IN FEE SIMPLE" FARM WAS NOT "RESIDUALS"?
7. THAT THE 1974 WILL UPHELD DECEDENT INTENT AND COMPETENCE?
8. THAT ALLEN J. COFFEL WAS INADEQUATE AND INACCURATE?
9. THAT LOWER COURTS BREECHED RULE 10?
10. THAT "CLERKS RECORDS" ERRORS DISMISSED BREECHED HER 14TH CONST. AMEND?
11. THAT DISTRICT COURT BREECHED HER RIGHT TO TRIAL DE NOVA?

B. LIST OF PARTIES:

NAME OF ALL PARTIES APPEAR IN THE CAPTION OF THE CASE.

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Petitioner, Ashsha East, respectfully prays for review of the Judgment and Opinion of the Court of Appeals of the State of Idaho, final denial submitted Petitioner, Aug. 17, 1994, from Idaho Supreme Court. That such opinion comes from the highest court of the state and upholds Title 28 U.S.C., ST.1254 and ST.1257, and is set forth in Appendix D.

Opinions in the lower courts were denied valid "fair and legal due process", by 22 errors dismissed from Clerks Record I and 9 documents in Sept. 1992, withheld from Clerks Record II, prior to Distribution Hearing, Oct. 5, 1992.

Petitioner submits under Rule 10a, where State Court has so far departed from the accepted and usual course of Judicial proceedings as to call exercise of this Courts power of supervision.

OPINIONS

A. The opinion, April 12, 1994, of District Court Judge Wayne Fuller, submitted

in 2 day review, ruled on Merit, having upheld he would rule on Law only.

The District Court was assigned an Appellate Review or Trial de Nova, yet Judge Wayne Fuller reaffirmed an appeal of "Decree of Settlement and Distribution"

a. Petitioner entitled "Trial de Nova" under ST.9.5, property lessened.

b. Appointment of Judge Wayne Fuller flawed. When he was prior in ExParte with Magistrate and had closed her files, ST.28 U.S.A., ST.455(a).

c. Petitioner in "Appellate Review" on p 7, "Issues of Appeal", stated 150 exhibits. 23 days after Brief and Appendix I and II submitted, Respondents filed motion to dismiss Appendix I and II. Order Granted.

d. Petitioner went into Appeal with Brief addressing invisible and unsubstantiated issues.

B. Opinion, Mar. 30, 1994, in the Court of Appeals for the State of Idaho, Case

No. 20610, addresses Matter of the Estate of Logan, 120 Idaho 226, 815 p2d 35(Ct. app. 1991 Cert. denied 504 U.S. -112 S.Ct. 2948, 119 L.E.d 571 (1992), denied by not being timely, not for lack of Valid claim.

a. Petitioner upholds under fraud by counsel and Respondent her claims are not barred. Upheld by documented evidence.

b. Clearly, a Brief addressing evidence that speaks volumes is, at best, incoherent when evidence is absent.

c. Opinion, denied May 4, 1994

d. Opinion, denied Aug. 17, 1994

e. Remittitur, filed Aug. 17, 1994

Petitioner pleads good cause shown that under Rule 10a the exercise and supervision of the U.S. Supreme Court.

JURISDICTION

Jurisdiction from the Supreme Court for the State of Idaho, in this matter, the highest court of the state under Title 28 U.S.C., ST.1254 and ST.1257. She and

Decedent Colorado residents, Petitioner Colo. Resident appointed in Idaho. Jurisdiction of Idaho breeched St.18, ST.12(b) and Colo. ST.26, while denied ancillary probate. Petitioner came into Idaho in Diversity. Decedent former Idaho resident.

Whereas Petitioner proceeds under Rule 44, Const. Issues. Whereas all statutes are considered "Constitutional", therefore, under Rule 11 which upholds justice on civil and Const. Rights, she asks justice before this Court which cannot be had in any other Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

Petitioner upholds Rule 52, p. 129, 1985 edition by West, p.Co. Quote; "Trial Court did not rest on evidence; evidence was complete proof", 150. Appeal Court can more easily be found to be clearly erroneous.

Petitioner upholds under ST.9.5 Petitioner was entitled "Trial de Nova". Under Rule 10a the lower courts departed from the accepted and usual course of Judicial

proceedings, the Idaho lower courts did not follow Const. Issues. of Conduct.

Petitioner upholds Respondents proceeded Decedents estate upholding Adversity, and acted in a fraudulent conveyance ST.108, and and upheld an unauthorized, prior Aug. 24, 88, signature to an Aug. 31, 88, unseen "Amended Summary". Whereas throughout Respondents in breech of Fiduciary duty ST.190 and Cannon 2.5, acted in suppression of this Heirs Legal Rights to the Courts, ST.2:7.

Petitioner upholds in Jurisdiction, Respondents breeched ST.18, ST.12(b) and Colo. ST.26, Creditors Claims published out of Domicil, I.C. 15-3-815, acted in Inadequate Disclosure DR 1-102, were Accessory to ST.29.4 Supra, conflict of Interest, while upholding continuances I.C.R.P. 7, and an estate counsel, and former estate counsel, and accountant in breech under U.S.C.A., ST.18 and ST.242, and ST.11.2

Supra, and Rule 5-105(A), (should have declined employment).

Petitioner upholds Judicial breech of Rule 69 and I.C.R.P.5(a), also I.C.R.P. 6(e) and failure to address Coffel's unauthorized 2nd creditors claim on $22,327, (such filed Nov. 23, 88, in Owyhee Court), by Decision, or by Motion for Subpoena, by Petitioner and failed to note. OR its absence from Clerks Record II. Objection made May 17, 90, dismissed July 18, 1990, by District Court Judge G. Weston?

Petitioner upholds Respondents were accessory to Fraud I.C. 15-1-106, and Suppression of Truth, ST.4, and ST.2:7. Petition upholds all STATUTES held to be Constitutional and therefore submits her Petition for Writ rests on Rule 44 of Constitutional substance and issue.

STATEMENT OF THE CASE

Petitioner shall in Sequence present the proceedings of her counsel Allen J. Coffel, and also Respondent estate counsel 10 mon.

breech rule 5-105-(A). Thereafter will proceed to Rule 10a errors of the lower courts, Judicial prejudice, bias and error. To show that withheld evidence and Court documents do not always make for valid opinion, or where Law, Statutes and Codes are overruled, no conclusion of Law is Valid. Whereas West One Bank Idaho N.A. personal Representative of The Estate of Manford R. Logan Respondent, proceeded with the counsel for Petitioner and Conservator, Decedent's only child. Coffel was then already in an "abatement error" I.C.15-902 to Heir Bennett, then in breech of Rule 5-105-(A) ("to decline employment"), Model Rule 4.2, Multiple Clients and Conflict of Interests ST.24.9 Supra. Whereas for the protection given his Mal Practice Insurance, he serves Respondent Self Interest. and not the interest of his Client.

Whereas under such cloud Petitioner fell under breech of U.S.C.A. ST.18 and U.S.C.A. ST.242, inadequate counsel and inaccurate

accounting, while Coffel is acting as volunteer accountant ST.7.3, and in dual role ST.18.8, "whereas an attorney is not licensed to practice accounting". Whereas such dual role is denied in many states.

Petitioner upholds preceding errors in the lower courts have failed to uphold Const. Law U.S.C.A. Const. Amend. 14, Key 251.6 and wherein the Client did not have fair and legal due process C.R.S. 1963, 37-423 Certiorari Key 27 536,p 2d pg 675. I cite Kurbitz v Kurbitz 77 Wash 2d943 468 p 2 d 673 (1970) granted Writ.

Counsel submitting his Client to Idaho Jurisdiction for $460 fee May 17, 85, 2 mon. after Aug. 17, 85, appointment, tells her by letter Oct. 28, 85, Idaho Judge can't have Jurisdiction. On Discovery of his "abatement error" and on Decedent demise, brings her back to Idaho and thereafter denies she and Decedent Colo. residents, Ancillary Probate.

On July 12, 87, he conspires to use "Creditor Claims" to submit his Client to pay

Bennett $25,614 by an adequate Judgment against her.

a. He has her sign a "Creditors Claim" on 2 cashiers checks spent on Decedent for nursing home and deposit in his Idaho bank. A C.P.A. would have entered theirs in a check ledger.

Nov. 87, her Colo. C.P.A., Malone, only has tax returns complete. Coffel tells her, "send me estimates on house hold expense to file a Summary". She complies, all in her own hand. Dec. 22, 87, he sends Summary to sign. He doesn't file and the final paragraph states "records are at C.P.A. Malone in Colo."

Jan. 13, 88, Respondent writes Petitioners son, U.S. Congressman Jim Bates for $20 to $46,000 to make the Heirs happy. They don't write her. He declines.

Dec. 22, 87, all "Heir property releases" are in estate counsel Coffel's possession. Index file No.18. Yet they aren't ever submitted Owyhee Court by him.

Jan. 88, Petitioner discovers no "Summary" is filed or date for Probate set. She accuses them of collusion to avoid transfer of the "in fee simple" farm for an extra year crop in come.

Feb. 88, Respondent disallows the "estimates" requested by their estate counsel Coffel and demands documented audit (no problem, all at Malone's). Whereas Coffel volunteers to be her accountant and resign as "estate counsel". Under ST.7.3. volunteer liable and in dual role ST.18.8, ST.18.6.

Mar. 17, 88, Coffel has prepared 2 check Ledgers, which he says bal. within $180, minus 2 mon. 10 days and minus $22,327 cash receipts. He submits the wrong date to account, minus Conservator travel (8 trips), nursing aid wage, relief help and $22,327 cash receipts. Trudy Oakes, on "Memorandum, I.R.S. and accountant rule" found $49,000 credit withheld Petitioner. see App.K___.

Thereafter Coffel cancels April 4, 88, April 18, 88, Sept. 26, 88 Probate hearings,

stretching his "ST. of Limitations". Respondents wait on crop harvest income.

In May 88, Petitioner seeks Colo. Counsel Hoppin to push Probate and Audit to no Avail, while in protest, why not a C.P.A.? Coffel and Respondent continues to slur her accounts into Respondent Collection of "in fee simple" fall farm crop income.

In July 7, 99, Bennett counsel, through Respondent effort, files suit against Petitioner for Coffel's (abatement error). Bennett could have been paid at once from his Insurance or $10,000 offered by Jim Bates. Neither would benefit Respondent and are not pursued for Bennett, see Distribution, App. J.

Aug. 24, 88, cash receipts remain uncounted by volunteer accountant, Coffel. Petitioner travels to Idaho, counts $22,327, demands a statement she has accounted $22,327 more to take to Respondent West One Bank, signed Aug. 24, 88, before Idaho notary. To uphold the slurs would end. She leaves on

evening train and is in Colo. domicil Aug. 25th, 88.

Coffel, Aug. 31, 88 prepares the "Amended Summary", attaches Aug. 24, 88, signature she carried to Respondent, Rule 17(b) ST.108, I.C. 15-1-106, fraud. A fraudulent conveyance not of her knowledge, intent, or upheld by Colo. notary. "Amended Summary" is asking $27,000 back from the estate. Oct. 7-18, 88, Coffel is telling Bennett Counsel in correspondence she is asking nothing. He didn't prepare that Summary of her intent or knowledge to the court, see App. I .

Sept. 26, 88, she travels to Idaho for Hearing, which is canceled as she sat in Coffel's office. Coffel then leads her, unserved to Bennett counsel for Deposition, breech I.C.R.P. 28d and 26c, breech for "personal interest", his Mal Practice Insurance or his clients inheritance.

Sometime after Aug. 24, 88, Coffel, unauthorized, non-conferred, files a 2nd

claim for his client for $22,327, which allows Respondent to file a "DISALLOWED CREDITORS CLAIM", Nov. 23, 88, in Magistrate Court, which states p.2 and p.3 $22,327, disallowed ON CHANGE code I.C.15-3-107, see App. H .

a. Such premeditated and later is withheld from Clerks Record and dismissed by District Judge Gerald Weston, July 18, 1990.

b. Such 2nd claim is not addressed in Coffel's filed Jan. 23, 89, Petition. He addresses Claim I, 2 items. He signed it Feb. 20, 89, late. It is dismissed as late.

c. Magistrate address's 2 items as claim I and claim II.

d. Under Discovery, Respondents and Coffel deny copies of $22,327 cash receipts, a portion of Decedent Audit. They disallowed Nov. 23, 88, in Magistrate Court.

e. Under Motion for Subpoena, (denied), Magistrate calls the $22,327, Alleged.

f. District Court Judge, in dismissing 22 errors in a Clerks Record, allows Belnap and Assoc. review of her case identified and authenticated, see App. G .

Bennett litigation proceeds Nov. 29, 88, minus Respondent Counsel of Record. Only the same 2 check Ledgers of Mar. 17, 88, are submitted, and Coffel withholds Heirs property releases, wherein she is slandered by Respondents into May 16, 89. Whereas Respondents are accessory to the Suppression of Truth and this Heirs Legal Rights to the Courts ST.2:7, to avoid transfer of an "in fee simple" estate, seeking crop income.

Wherein under the effects of Prejudice and Bias, Rule 69, on PRECEDENT, there is conspiracy to erase a Conservator Audit by Creditors Claims, on I.C.15-3-107, ON CHANGE "to disallow" and erase?

Judicial error is an accessory ST.20.5 to erasing $22,327 spent on Decedent. Flagrant dismissal of Clerk Record errors is

total breech of fair legal Due Process guaranteed under Rule 10a.

Petitioner upholds missing documents in Clerks Records I and II Block completely any effort to substantiate facts of evidence or conclusions of Law.

Petitioner finds Coffel's actions protected his Mal Practice Insurance and Respondent's P.R. now receives on est. of $1,500 every per mon., from this once cash poor estate of about originally $13,000, originally and an "in fee simple" inheritance to 3 Direct Heirs.

Respondents, as of 1994, after collecting $38,333 from Jim Bates to pay her $38,814 Foreign Judgment, collected $30,000 on sale of her home. A total of $68,333 from one Foreign Judgment and in 1994, $7,000 interest still on their financial records. Respondents still uphold 2nd Judgment, overruled in District Court Dec. 6, 89. Whereas all Guardian and Conservator credits were withheld from this Judgment.

Magistrate to uphold his 2nd Judgment, went into District Court files ExParte to Judge Wayne Fuller and caused court files closed to her. Both denied ExParte, Judge Fuller filed order that she could see her files if Clerk present. Four times she was denied. Whereas Magistrate withheld medical excuse and request for a postponed hearing from docket I.C.R.P.5(a), I.C.R.P.6(e), 6-26-89, filing only the Federal Express envelop into the record on the May 5, 89, Judgment.

Petitioner Nov. 29, 89, submitted Belnap Audit, "en Camera" to Magistrate. Decedent C.P.A. as witness, filed affidavit with the court. Belnap audit was withheld from docket. I.C.R.P 5 (a)

July 26, 89 Magistrate overruled Idaho Law and Code on Decedents "in fee simple" farm and gave crop income to Residuals. Residue Heirs became the answer to larger Respondent fees.

July 18, 1990, Petitioner set an audit hearing in Magistrate Courthouse. District

Judge Gerald Weston appeared to dismiss 22 errors in Clerks Record I, no audit was heard and Magistrate dismissed it as being held before the District Court Judge. He did not appear. During that period Clerk of the Court perjured herself in affidavit. While Robert Bauer, a litigation hostile witness, submitted a fraudulent farm Ledger for 1986 for $29,000. He had given Petitioner one for 1986 for $22,000.. Coffel at once asked recess, thereafter no one questioned Robert Bauer and his Ledger P-6 disappears. Clerk stated in "affidavit" his was same amount as Petitioner, but later refused to name the amount, see tr. p 321 .

Coffel in collusion, 19-2111, set a not require hearing May 5, 1989, to cover ST. of limitations on his abatement error, and on behalf of estate Personal Representative 6 mos.. Statute on the "Disallowed Creditors Claims", which was not conferred to Petitioner and which is missing in clerks Record and called alleged. Such 6 mon.

Statute protected Respondent from "Double Recovery". "Rule 10 Departure from accepted and usual Judicial Proceedings". Magistrate for the County of Owyhee in the Magistrate court of the 3rd Judicial District of the State of Idaho failed to follow accepted procedures.

a. Magistrate Daniel Eiseman Judge was son of Decedents attorney and former associate in the firm representing 2 wills of the Decedent. Such Judge denied 2 Motions to disqualify, Rule 40 (1).

b. Allowed his father testify by letter, denied Petitioner the Right to question and uphold Decedent brother Dick Logan wanted Decedent declared incompetent and placed in a nursing home in April, 1979. Richard Eiseman was also Dick Logan counsel. Such fact clearly overruled the "1981 will" when Decedent couldn't speak do to 1978 stroke.

c. Judicial accepted an Aug. 31, 1988, "Amended Summary" with an Aug. 24, 88, prior

signature signed before Idaho notary attached, Petitioner was in Colo. Domicil Aug. 25, 88, until Sept 23, 88. (Documented) I.C 15-1-106, ST.17(b).

d. Judicial upheld filing the will, minus I.C. 15-1-305, stating Decedent domicil, Coffel to mislead, merely stated Hospital where he died, (deviation, ST.2.2).

e. Judicial upheld Creditor Claims Published in "Owyhee Avalanche" out of domicil, ST. 260.

f. Judicial allowed Coffel cancel April 4, 88, April 18, 88, Sept. 26, 88, hearing for Probate and ordered dismissed Sept. 26, 88, when she was already in Idaho from Colo.

g. Judicial withheld from docket May 2, 89, medical excuse and request for another hearing, I.C.R.P. 5(a) and I.C.R.P. 6(e) 6-26-89, filed the Federal Express envelop.

h. Judicial, withheld from docket, Belnap Audit, submitted "en Camera" Nov. 29, 89.

i. Judicial denied Petitioner's petition for Decedents C.P.A. to Audit court records.

j. Judicial, in her notice for "Audit Hearing" June 18, 1990, had District Judge hear "23 errors objection in Clerks Record". Magistrate did not appear and dismissed audit Hearing as before a wrong Judge. No audit was heard.

k. District Judge Gerald Weston dismissed all 22 errors, One Specific document, Nov. 23, 88, filed by Respondents, "a Disallowed Creditors Claim" on $22,327 cash receipts spent on Decedent. Claim II, non-conferred, and unauthorized by her counsel Coffel, ST.11.2 Supra, ST.24.18, in dual role counsel and accountant, who conspired with Respondents to erase Conservator audit by 2 creditors claims, to uphold disallowance "On Change", I.C. 15-3-107.

May 5, 89, Prior to Conservatorship Hearing, not required by the Heirs, was

overruled by District Court decision Dec. 6, 89, that May 17, 89, true time to account. Magistrate withheld from docket medical excuse, request for another hearing, withheld all Guardian and Conservator credit for 5 mon. Petitioner for 3 mon. had in emergency housekeeper quit cared for Decedent. Magistrate entered a 2nd Judgment $4,965.

In early 1993, administrative Judge ordered her an "Appellate Review or Trial de Nova" under ST.9.5, property lessened. She was entitled "Trial de Nova". Ironically Judge Wayne Fuller presided over what he called "Appellate Review for Distribution and Decree".

The 2nd Clerks Record withheld 9 documents, Sept. 1992, bearing stamp of the clerk, prior to Distribution Hearing, Oct. 5, 1992, (later Augmented into Record).

a. Petitioner submits p.7, in her "Issues of appeal. She'll submit 150 exhibits.

b. Neither Respondent or Judge protested.

c. 23 days after, her Brief and Appendix I and II are submitted. Respondents Motion to dismiss appendix. Order is Granted.

d. Judge Wayne Fuller states he'll rule on Law only, yet in 2 days he ruled on Merit, (April 9, 1993).

1. Petitioner did not order transcript, all parties possessed one, June 26, 89.

e. Opinion by such acts rests on Rule 52, Rule 10.

Whereas counsel reflects to the courts the rights of his client by presentation or omissions, so does a Magistrate create a domino effect on future courts, such opinion perceived by Prejudice or Bias, lays a heavy burden on the higher courts.

Magistrate in Memorandum Jan. 24, 89, states Bennett (abatement error) "no damage, no money", Bennett counsel received only

attorney fees. Yet such counsel attended every "Decedent Hearing" thereafter. On Nov. 1992 Decree on Distribution, Magistrate overrules himself and Respondent Distribution upholds Petitioner East owes Bennett $25,614, see app. J .

Wherein Magistrate gives any undisclosed, unknown assets of Decedent not entered in the Will, to Residuary. Residuary in self Interest being Respondents.

a. Petitioner only child had already filed claim in Owyhee County to such assets, May 16, 89. When Respondent did not submit the Safety Deposit Box of Decedent to the court.

b. Petitioner further filed her 1/3 inheritance claim on the "in fee simple" farm in the Recorders office of Blackfoot, ID, for this Homestead Patent Land.

Magistrate, June 26, 89, loudly protested before the Court. He was overruling Idaho Law and Code and giving the "in fee simple" crop income to the

"Residuary", which was the 1/3 inheritance of Decedent only child under Family Privilege and his care giver of 8 years, keeping him from the sterile life of a nursing home in his vulnerable years.

On Jan. 24, 1990, Petitioner Petitioned for new hearing, on new evidence, I.C.R.P. 60(b). Such was faxed District Court, Jan.24, 1990, and duplicate documents mailed both courts. District Court held no record, and Owyhee Clerk returned the documents unstamped.

Magistrate upheld order for Jim Bates to purchase her 1/3 for $38,333 for a $38,814 Judgment. Respondent didn't credit it to Judgment alone but claimed $30,000 more on the sale of her home. Financial statements from Trust Dept. in 1994 show that $7,000 runs interest on 2nd Judgment, not upheld by District Court, Dec. 6, 89.

a. Magistrate, in recent months, has refused to address "Motion to rescind", such

PUBLISHER'S NOTE:

Page(s) 25 missing in original.

89. Yet Coffel signed it Feb. 20, 89, late, and Magistrate dismissed it as late.

In Memorandum, Lela White 24 hour nursing wage cut to $100 per week, $85 mattress for incontinent denied, relief help entirely denied, nursing wage denied, prior housekeeper expense upheld as adequate for Decedent for his entire household and nursing care. Prejudice and Bias, Rule 69, Rule 10a.

In Sept. 1992, 9 documents were withheld from the "2nd Clerks Record" prior to Oct. 5, 92, Distribution Hearing, held in 26 days, NOT 28 DAY rule, notice filed Sept. 9, 1992.

a. Such documents, later Augmented in the Court of Appeals of Idaho, yet were withheld prior to wave her civil and Const. Rights.

b. I.C.R.P. 6 (e) request for hearing once more ignored.

Petitioner objections to Clerks Record required her presence 2,000 miles away at a hearing. Pointless to be dismissed again. Petitioner merely Augmented by mail.

Petitioner, at 72 yr. of age, on food stamps and $466 per mon. has been supported in her pursuit for Justice by friends who seek to uphold their ideals in a conception for Justice for themselves and the Nation.

Respondents , in SELF INTEREST, breeched only child in FAMILY PRIVILEGE, ST. 8.01, codes 2-204, 2-405(a), 3-805, 2-403, 15-3-906(1), 15-3-2-402, 15-5-312. Respondents in hypocrisy were upholding the rights of residual Heirs over Decedent only child and Direct Heir, for their extra fees.

Under family protection, even if not a minor, under code 2-204, only child has prior rights, even over administrative fees.

Distribution to date, rests on $122,000 with $68,333 from only child and fees from Residual Heirs who had gained zero at Decedents demise. I cite art. #pt 4 with (-805, and homestead code 2-405(a).

REASON FOR WRIT

Certiorari should be granted for several reasons, foremost Rule 10, wherein lower

courts departed from usual and accepted procedures, Rule 52, the issue of true and complete evidence upholding valid Decision and opinion.

Under U.S.C.A. ST.18 and St.242, Petitioner is guaranteed remedy. Whereas rulings it clearly sets PRECEDENT, for a counsel to use 2 CREDITORS CLAIMS to erase credits to his clients audit, by using I.C. 15-3-107 "ON CHANGE" is clearly not accepted procedures.

Petitioner prays example be upheld that Representative's of Civil and Const. Rights be held to firmer Restraint and Sanction. Whereas a counsel's duty is to serve clients interest, not his own, and Fiduciary duty to serve and uphold Decedent capacity and intent, not to misuse power for Self Interest, nor to fail ST.2:7, Suppression of all Heirs Legal Rights to the courts while denying only child family privilege, ST.8.01.

Whereas example must be perceived that lower courts are not above the Laws, Statutes

and Codes but are servants of these conditions they are appointed to uphold.

Petitioner upholds the District court failed to uphold Trial de Nova, and by dismissing exhibits after the Brief, left her proceeding in an appeal, "unsubstantiated", in total lack of credibility. Far from Trial de Nova, upheld by Administrative Judge Doolittle. Petitioner 14th Const. Amend. to fair and legal due process has not been adhered to.

Petitioner reaffirms her plea to be granted issue of Petition for Writ of Certiorari, as alternative if this court determines not to grant writ at this time. Petitioner urges the Decedent estate be granted Trial de Nova out of Venue, or true litigation of Conservator Audit by her intent, knowledge and signature.

CONCLUSION

For reasons set forth, a Writ of Certiorari should issue to review the Judgment and Opinions of the Supreme Court

for the State of Idaho and it's lower courts

in appeal based on Rule 10a and Rule 52.

Respectfully Submitted

Ashsha East

Ashsha East

STATE OF ARIZONA)
) ss
COUNTY OF PIMA)

This instrument was acknowledged before me this 10th day of December, 1994 by: Ashsha East

Areta Finch

Notary Public

My Commission Expires: April 29, 1996

OFFICIAL SEAL
ARETA FINCH
NOTARY PUBLIC - ARIZONA
PIMA COUNTY
My Commission Expires April 29, 1996

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER, 1994

NO. _____

ASHSHA EAST PETITIONER
PRO SE

VS.

BANK WEST ONE RESPONDENT
IDAHO N.A.
PERSONAL REPRESENTATIVE
OF THE ESTATE OF
MANFORD R. LOGAN

PROOF OF SERVICE

I, Ashsha East, do swear or declare that on this date, Nov. 10, 1994, pursuant to Supreme Court Rules 29.3 and 29.4, I have served the attache "PETITION FOR WRIT OF CERTIORARI" on each party to the above proceeding, or that party's counsel, and on every other person required to be served by depositing an envelope containing the above documents in the United States mail properly addressed to each of them with first-class postage prepaid.

The names and addresses of those served are as follows:

Clerk of the Court
Supreme Court of the United States
1 First St. N.E.
Washington, DC 20543

West One Bank, Respondent
C.O. Stephen Pruss
P.O. Box 247
Nampa, Id 83653-0247

Ashsha East

Affiant

This instrument was acknowledged before me this 10th day of December, 1994 by: Ashsha East

Areta Finch

Notary Public

My Commission Expires: April 29, 1996

OFFICIAL SEAL
ARETA FINCH
NOTARY PUBLIC - ARIZONA
PIMA COUNTY
My Commission Expires April 29, 1996

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Filed April 12, 1993

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

In the matter of the Estate of

MANFORD R. LOGAN, Case No. 5-473

Deceased.

********** APPELLATE MEMORANDUM

ASHSHA EAST,

Appellant,

v.

WEST ONE BANK,

Respondent.

****

STATEMENT OF FACTS:

Ashsha East (East) filed on November 4, 1992, a timely notice of appeal from the Decree of Settlement and Distribution filed on November 3, 1992. In that Decree, the magistrate ordered certain actions and approved, allowed and settled the final account of West One Bank (WOB), the personal

representative of Manford R. Logan, (Logan), decreased. East did not appear on October 5, 1992, at final account hearing and did not present any evidence to support any objections she may have had to the final account.

East, the only child of Logan, had served as guardian and conservator of her father's estate during his lifetime. The history of litigation between East and WOB over her final account in that matter is set forth in Matter of Estate of Logan, 120 Idaho 226, 815 P.2d 35 (Ct. App. 1991). In that matter, WOB recovered a partial judgment for $38,814.58 against East.

In this estate proceeding, the magistrate ordered:

"a. in the case of Ashsha East, deducted from the amount received from the sale of her one-third (1/3) interest in the 'Idaho Ranch' with the balance of the sale proceeds being applied to the judgments owed by her to the estate;"

In this appeal, East filed on November 13, 1992, an amended notice of appeal, motion to stay and restrain personal representative

from acting during appeal, and a motion for trial de novo. On November 23, 1993, this district judge ordered this matter should be heard as an appellate proceeding and found only questions of law were involved and that no transcript of the magistrate proceedings were required. In that order, this district judge required East to file a statement of issues, which shall"

"1. list the issues appellant then intends to assert in this appeal;
2. state specifically, which, if any, of those issues require the preparation of a transcript of any Magistrate Court proceeding in this case; and
3. designate specifically the date of those magistrate proceedings required to be transcribed for each issue."

On December 7, 1992, East filed a document that stated: "Appellant has no need to a copy of the transcript from the Magistrate Court." East also filed Issues of Appellate Brief, in which she stated: "Three major issues on former counsel and accountant and on fiduciary personal representative and Magistrate, breech of Law; all smaller issues are interrelated in cause and effect."

About January 8, 1993, East filed an Appellate Brief and submitted two appendices. On January 19, 1993, East filed Petitioner's Creditors Claim For Nursing Aid Wage, Conservator Travel, and Just I.C. Probate Code Credits.

On February 4, 1993, WOB filed a motion to dismiss, motion to strike and alternative motion for extension of time to respond. On February 8, 1993, East filed a motion to comply and a motion to extend the statute of limitations ninety (90) days. On February 19, 1993, this district judge denied WOB's motion to dismiss, granted its motion to strike the two appendices, and granted WOB 28 days in which to file its Respondent's brief. On that same day, this district judge also denied East's motion to comply and motion to extend the statute of limitations.

On March 18, 1993, WOB filed its Respondent's brief. About April 6, 1993, East filed her reply brief. After review of the briefs and the record, this district

judge determined that oral argument would not be helpful to decide this appeal. This matter was taken under advisement on April 7, 1992.

DECISION:

I.R.C.P. Rule 83(u) provides for the scope of appellate review on an appeal to the district court from the magistrate division in a case not involving a trial de novo. That rule states in part: "the district court shall review the case on the record and determine the appeal as an appellate court in the same manner and upon the same standards of review as an appeal from the district court to the Supreme Court under the statutes and law of this sate, and the appellate rules of the Supreme Court."

In this appeal, East has failed to raise any legal issues in the magistrate court that relate in any manner to the Decree of Settlement and Distribution. On September 30, 1992, East filed a Review and Protest Fiduciary Accounting. This district judge's review of that document shows it raised no legal issues, but contains largely incomprehensible statements.

An appellate court will not consider an issue not raised before the trial court,

unless it involves fundamental error. See: State v. John Doe, 93.5 ISCR 242 (1993), and Matter of Estate of Reinwald, 122 Idaho 401, 834 P.2d 1317 (1992). Fundamental error is error which so profoundly distorts the trial that it produces manifest injustice and deprives a party of the fundamental right to due process. See: State v John Doe, supra, and State v Lavy, 121 Idaho 842, 828 P.2d 871 (1992).

In this case, the magistrate found due and legal notice of the hearing of October 5, 1992, had been given. East had notice of the hearing, but failed to raise any legal issues. East had an opportunity to appear at the hearing and to present any objections to the final accounting an petition for distribution. East failed to appear or to offer any evidence to show that the proposed accounting and/or distribution were incorrect.

A reviewing court is not required independently to search the record for error.

See: Harmston v. Agro-West, Inc., 111 Idaho 814, 727 P.2d 1242 (Ct. App. 1986). A reviewing court is also restricted to the record and may not consider matters outside that record. See: Harmston v. Agro-West, Inc., supra.

This district judge finds East failed to raise any valid issues in the magistrate court and has not raised any valid issues on her appeal. This district judge specifically finds no fundamental error in the estate proceedings in magistrate court. This district judge concludes that the Decree of Settlement and Distribution should be affirmed. In her appeal, East has completely failed to raise any valid legal issue and primarily seeks to relitigate the issues settled in the prior case. This district judge finds East pursued this matter frivolously, unreasonable, and without foundation. WOB properly raised the issue of attorneys fees in its Respondent's Brief. WOB is entitled on this appeal to an award

against East for costs and attorneys fees, pursuant to Idaho Appellate Rule 41. See: Excel Leasing Co. v. Christensen, 115 Idaho 708, 769 P.2d 585 (Ct. App. 1989).

IT IS HEREBY ORDERED: the Decree of Settlement and Distribution filed on November 3, 1992, is affirmed. Respondent West One Bank is entitled to an award of costs and attorneys fees against Ashsha East.

Dated: April 9, 1993

_____

Wayne P. Fuller
District Judge

UNPUBLISHED OPINION NO. 522
IN THE COURT OF APPEALS OF THE STATE OF IDAHO

No. 20610

IN THE MATTER OF THE ESTATE OF MANFORD R. LOGAN,	
----------	Filed: March 30, 1994
ASHSHA EAST,	
Plaintiff-Appellant,	THIS IS A UNPUBLISHED OPINION AND SHALL NOT BE CITED AS AUTHORITY
V.	Filed:
WEST ONE BANK, IDAHO	
	Frederick C. Lyon, Clerk
Defendant-Respondent.	

Trial from the District Court of the Third Judicial District, State of Idaho, Owyhee County. Hon. Wayne P. Fuller, District Judge; Hon. Daniel T. Eismann, Magistrate.

PER CURIAM

Ashsha East appeals from a decision of the district court, affirming the magistrate's final decree of settlement and

distribution of the estate of East's father. We affirm.

East was the court-appointed guardian for her father, Manford R. Logan, and conservator of his assets. Following his death in 1987, a dispute arose between East and West One Bank, the personal representative of Mr. Logan's estate, concerning expenditures made by East from conservatorship funds. This dispute led to litigation, and a judgment was entered against East. East appealed, and this Court affirmed judgment. Matter of Estate of Logan, 120 Idaho 226, 815 P.2d 35 (Ct.App.1991), *cert.denied,* 504 U.S. ___, 112 S.Ct.2984, 119 L.Ed.2d 571 (1992).

In the instant case, East filed a timely notice of appeal from the magistrate's final decree of settlement and distribution of the Logan estate. On intermediate appeal, the district court affirmed.

For the past several years, East has represented herself in the probate proceeding

without assistance of counsel. She also appears pro se on this appeal.

The appellant's brief filed by East does not include a statement of the issues on appeal as required by I.A.R.35(a)(4). The failure of an appellant to set out an issue in the statement of issues of the appellant's brief will eliminate consideration of that issue on appeal. Kugler v. Drown, 119 Idaho 687, 691, 809 P.2d 298, 300 (1989); Bolen v. Baker, 69 Idaho 93, 99, 203 P.2d 376, 279 (1949). However, we cannot find that exception applicable here, for East's briefs, though lengthy, present no comprehensible legal argument. Her briefs are replete with misuse of legal terminology, sentence fragments that express no complete statement, and unintelligible sentences. East has neither identified issues on appeal no presented cogent argument showing the possibility of error below. While we recognize that East is representing herself in this appeal, we are also mindful that

under Idaho law, "pro se litigants must comply with the same rules of appellate practice which apply to litigants represented by counsel." Schneider v. Curry, 106 Idaho 264, 267, 678 P.2d 56, 59 (Ct.App.1984).

We note that to the extent that East is attempting to reassert claims that were or should have been litigated in the conservatorship proceedings which were the subject of the previous appeal, any such claims are barred by res judicata. *See* Diamond v. Farmers Group, Inc., 119 Idaho 146, 804 P.2d 319 (1990). Further, with regard to East's apparent complaints about her former counsel, neither the probate action nor this appeal is the proper forum to present claims of legal malpractice. Thus, if East is attempting to assert errors in these areas, even if we could somehow glean a viable assignment of error from East's appellate briefs, we could not remedy it on this appeal.

In this absence of any coherent presentation of issues or argument on appeal, the decision and order of the district court affirming the magistrate's final decree and settlement of the Logan estate is affirmed.

Because no viable issue or argument has been presented, we are constrained to conclude that this appeal was pursued frivolously, unreasonable, and without foundation, and therefore we also award attorney fees to the respondent on this appeal. I.C. § 12-121; Krebs v. Krebs, 114 Idaho 571, 759 P.2d 77 (Ct.App.1988). The amount of attorney fees to be awarded shall be determined in accedence with I.A.R. 41(d).

In the Court of Appeals of the State of Idaho

No. 20610

IN THE MATTER OF THE ESTATE OF)
MANFORD R. LOGAN,)
----------)
ASHSHA EAST,)
)
Plaintiff-Appellant,)
)
v.)
)
WEST ONE BANK, IDAHO,)
)
Defendant-Respondent.)
)
)

On October 2, 1993, Appellant filed a Claim for Decedent Liabilities, and on October 25 she filed a "Pamphlet Authorities". On November 4, 1993, Respondent filed an Objection to Claim for Decedent Liabilities and Pamphlet Authorities and Motion to Strike by which Respondent requested that this Court strike Appellant's Claim for Decedent Liabilities and the said "Pamphlet Authorities". Respondent's Motion to Strike is granted with respect to

Appellant's Claim for Decedent Liabilities. Respondent's Motion to Strike is denied with respect to Appellant's Pamphlet Authorities.

On January 10, 1994, Appellant filed a Motion for Response to Judicial Error. Said motion is hereby denied.

DATED this 30th day of March, 1994.

Jesse R. Walter
CHIEF JUDGE

ATTEST:

Lois Dawson
Clerk

In the Court of Appeals of the State of Idaho

IN THE MATTER OF THE ESTATE OF MANFORD R. LOGAN.	)	
ASHSHA EAST,	)	
Plaintiff-Appellant,	)	ORDER DENYING PETITION FOR REHEARING
v.	)	NO. 20610
WEST ONE BANK, IDAHO,	)	
Defendant-Respondent.	)	

The Appellant having filed a PETITION FOR REHEARING on April 19, 1994, and supporting BRIEF on May 2, 1994, of the Court's Opinion released March 30, 1994; therefore, after due consideration,

IT IS HEREBY ORDERED that Appellant's PETITION FOR REHEARING be, and hereby is, DENIED.

DATED this 4th day of May, 1994.

By order of the Court of Appeals

Jesse R. Walters, Jr.
Jesse R. Walters, Jr.,

Chief Judge

cc: Counsel of Record
District Court Clerk
District Judge Wayne P. Fuller

Attest

Lois Dawson,
Lois Dawson, Deputy Clerk

In the Supreme Court of the State of Idaho

IN THE MATTER OF THE ESTATE OF MANFORD R. LOGAN.	)
ASHSHA EAST,	)
Plaintiff-Appellant,	) ORDER DENYING REVIEW AND ALL OTHER PENDING MOTIONS AND PETITIONS
v.	)
WEST ONE BANK, IDAHO,	)
Defendant-Respondent.	) NO. 20610) Ref. 94R-39

The Appellant having filed a PETITION FOR REVIEW on May 23, 1994, and a supporting BRIEF on June 6, 1994, seeking review of the Unpublished Opinion of the Court of Appeals filed March 30, 1994; therefore, after due consideration,

IT IS HEREBY ORDERED that Appellant's PETITION FOR REVIEW be, and hereby is, DENIED

IT FURTHER IS ORDERED that all pending MOTIONS or PETITIONS be, and hereby are, DENIED and the Remittitur shall issue FORTHWITH.

DENIED and the Remittitur shall issue FORTHWITH.

DATED this 17th day of August, 1994.

By Order of the Supreme Court.

Frederick C. Lyon
Frederick C. Lyon, Clerk

cc: Counsel of Record
District Court Clerk
District Judge Deborah A. Bail

In the Court of Appeals of the State of Idaho

IN THE MATTER OF THE ESTATE OF MANFORD R. LOGAN.	)	
----------	)	
ASHSHA EAST,	)	
Plaintiff-Appellant,	)	REMITTITUR
	)	NO. 20610
v.	)	
WEST ONE BANK, IDAHO,	)	
Defendant-Respondent.	)	

TO: THIRD JUDICIAL DISTRICT COURT, COUNTY OF OWYHEE.

The Court having announced its Unpublished Opinion in this cause March 30, 1994, which has now become final; therefore,

IT IS HEREBY ORDERED that the District Court shall forthwith comply with the directive of the Unpublished Opinion, if any action is required; and

IT IS FURTHER ORDERED that attorney fees are allowed to Respondent.

DATED this 17th day of August, 1994.

Lois Dawson

Lois Dawson, Deputy Clerk for
Frederick C. Lyon, Clerk of
the Court of Appeals
STATE OF IDAHO

Frederick C. Lyon, Clerk of the Court of Appeals, of the Sate of Idaho, do hereby certify that the above is a true and correct copy of the Remittitur entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 8-17-94

FREDERICK C. LYON

By: _____ Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

In the Matter of the Estate of:	Case No.5-473
MANFORD R. LOGAN,	ORDER OF ASSIGNMENT
Deceased.	

Appeal in the above-entitled Owyhee County case is hereby assigned to the Honorable WAYNE P. FULLER for appellate decision or for trial de novo setting.

Dated: November 17, 1992

JIM R. DOOLITTLE
Administrative
District Judge

By _____
Trial Court
Administrator

cc: Stephen L. Pruss, P.O. Box 247
Nampa, ID 83653-0247
Terry Michaelson, P.O. Box 65,
Nampa, ID 83653-0247
Ashsha East, 845 Copperdale Lane,
Golden, Co 80493
Jim Bates, 3246 Quesada Northwest,
Washington, DC 20015
Jim and Irene Nazworthy,
4763 Adams Street
Boise, ID 83714

Masonic Silver City Lodge #13, c/o Walter Burrill, Box C, Homedale, ID 83628
Alan Coffel, P.O. Box 1078, Caldwell, ID 83606
Mark M. Williams, 421 Southwest Sixth Ave Suite 411, Portland, OR 97204
Jason Bates, c/o E. Wamachiee, 3385 West Wagon Trail Drive, House of Lowell, Denver, CO 80110
A. Wesley Seidemen, West One Bank, Idaho, N.A., Trust Department, P.O. Box 7928, Boise, ID 83707
Hon. Wayne P. Fuller
Pat Kiernan

hearing on it. What occurred in your Conservatorship was the hearing on the amount of money which the personal representative was disallowing. This resulted in the Judgments against you.

5. We were hopeful that you would be able to forward money toward the cost of the appeal, even though you are offering your house as security. I am sure you can understand that this appeal will be extremely expensive. It is not something that we can carry forward out of our pockets.

Furthermore, in light of the last Judge's decision, we must express to you our opinion as to what we view will be the final result. Judge Eismann has contacted Judge Fuller ex-parte. Judge Fuller and Judge Eismann have had conversations resulting in Judge Fuller having his Court Clerk prevent you from accessing the file. The damage in this regard is obvious. the likelihood of receiving a fair hearing before Judge Fuller is slim or no better than the "fair hearing" that was received before Judge Eismann. You can see Judge Eismann is clearly going beyond the scope of anything that was before him and adjudicating whether or not Mr. Coffel committed malpractice in representing you. It appears, as we perceive it, is that everybody is covering for the other. This means that ultimately you can expect little success in Canyon County.

You would have to go beyond an appeal from Canyon County to an appeal either to the Supreme Court or to the Court of Appeals. We cannot undertake a $10,000.00 to $15,000.00 appellate process based upon a Promissory Note.

We feel that justice has not been served in this case. It is also does not appear justice is going to be easily obtained out of Canyon County in the very new future. from a business stand point, we must have funds to fight the war or evaluate whether it is worth it to you to fight the war. If you obtain $60,000.00 from Mr. Bates for your interest in the farm, an

alternative to continuing the appeal would be to offer a money settlement to the bank of say $38,000.00 and drop your appeal and call it good. A wash of all claims, so to speak. Contrasted against your forwarding another $10,000.00 to $15,000.00 and spending 2 to 3 years of your life fighting this battle from appellate court to appellate court. The prospect of being able to just walk away at this time with $22,000.00 has some appeal. we are not disregarding the mistreatment you have received; we are giving you our best judgment.

1.1 A duty to the client. This duty is clearly established when the attorney/client relationship is proven. Here we anticipate no problem inasmuch as the file is replete with correspondence showing that Mr. Coffel is representing you.

1.2 Breach of a Duty. Evidence sufficient to take case in malpractice to a jury and show breach of the duty may be presented in one of two ways. First, the violation of a statute or ordinance (or governing body rule). In the event the Bar were to act and find that Mr. Coffel acted in a conflict of interest while representing both you and the bank, I believe that we could utilize that determination as evidence of malpractice. The alternative is to have another professional that practices in the same community as the Defendant testify that the Defendant has not acted in accordance with professional standards and community practices. Steve has called some lawyers but has been unable to find any lawyer in Canyon County thus far willing to stand up and testify against Mr. Coffel. So far no lawyer has even considered our offer sufficiently to even consent to review the file.

We anticipate several problems in this regard in that the community is small, the lawyers are generally afraid to speak against each other, and there would be a great deal of distasteful evidence coming out against Mr. Eismann, a Judge before whom many of them must practice on a regular basis. Unless we can locate an expert witness prepared to testify or can prove violation of statute or ordinance, we do not have a case sufficient to take to trial. We also still need the evidence you discussed with Steve showing that you were not present in Idaho when the signature pages were signed, as this would be clearly a violation of civil ordinances.

1.3 Damages caused by the negligence. As is in most malpractice cases you must prove that the attorney's bad practice resulted in damage to you. It is not sufficient that a Judgment was issued against for $39,000.00. You must prove the but for the negligence of the attorney, a Judgment for a lessor amount or no amount would have been issued by the

court. Basically, this amounts to retrying all the issues that were once tried against you in Murphy. The jury must come back with an opinion that the Judge would have never ruled the way he did but for the attorney's malpractice or that the Judge would have ruled on a much lesser amount than he did but for the attorney's malpractice.

"Withheld from Clerks Record"
Magistrate calls alleged.

§15-3-107 because the claimant has petitioned the court, in case number C-191 and G-192, for reimbursement from the Estate of Manford R. Logan, an incapacitated person, for the alleged use of her personal funds to pay expenses of the ward in the amount of $22,327.37. Since her right, if any, to reimbursement will be adjudicated in the proceeding on the conservator's Amended Final Account, petition for Approval of Account and Termination of Guardianship and Conservatorship, the creditor's claims filed by her are duplicitous and, therefore, are disallowed.

ATTORNEY FEES: If claimant files a petition for allowance or commences a proceeding against the personal representative relating to the claims which claimant has presented, the personal representative will, pursuant to Rule 54(e)(1) of the Idaho Rules of Civil

Procedure, request the court to award reasonable attorney fees to the personal representative upon the grounds that the claims were pursued unreasonably or without signature foundation.

CERTIFICATE OF MAILING: The undersigned does certify that a true copy of the above NOTICE OF DISALLOWANCE OF CREDITOR'S CLAIMS was mailed this 22nd day of November, 1988, to Alan J. Coffel, Post Office Box 1078, Caldwell, ID 83606-1078, and to Terry M. Michaelson, Post Office Box

October 7, 1988

Terry M. Michaelson
Hamilton, Clerk & Michaelson
Attorneys at Law
P.O. Box 65
Nampa, ID 83653-0065

Re: Manford Logan Estate

Dear Terry:

I have not been able to reach you concerning the possibility of settlement in this matter.

This letter is to inform you that Ashsa East wishes to resolve the matter of her reimbursement from the estate by dropping any and all requests for reimbursement in the amount of $22,327.37 and/or $8,000.00 as previously stated. That would leave only the attorney fees, costs, and costs of accounting to be compensated, leaving any remaining funds for the benefit of your client and the residuary devisees.

Please let me know if some settlement along these lines would be possible.

Respectfully,

ALAN J. COFFEL

AJC:lc
cc: Ashsha East

PLAN OF DISTRIBUTION @ 05-15-92

	SHARE OF ESTATE	DUE PER ID CODE	TOTAL DUE	% OF GROSS ESTATE	SHARE OF EXPENSES	LESS REIMB RECEIVED	BALANCE OF EXPS DUE	NET SHARE OF ESTATE	PRIOR DISTRIB	BAL DUE FROM ESTATE
SPECIFIC BEQUESTS:										
JIM BATES	77,466.67		77,466.67	28.3754%	24,009.15	18,845.41	5,163.74	72,302.93	77,466.67	
ASHA EAST	38,333.33		38,333.33	14.0412%	11,880.60	11,880.60	0.00	38,333.33	38,333.33	
BERTHA BENNETT	25,614.08	12,113.33	37,727.41	13.8192%	11,692.81		11,692.81	26,034.60		26,034.60
JIM & IRENE MAZWORTHY	12,500.00		12,500.00	4.5786%	3,874.11	500.00	3,374.11	9,125.89	12,301.00	
SILVER CITY LODGE	1,000.00	472.92	1,472.92	0.5395%	456.50		456.50	1,016.42		1,016.42
MASONIC LODGE	1,000.00	472.92	1,472.92	0.5395%	456.50		456.50	1,016.42		1,016.42
LILA WHITE	5,000.00	2,364.58	7,364.58	2.6976%	2,282.49		2,282.49	5,082.09		5,082.09
SPECIFIC BEQUEST TOTAL	160,914.08	15,423.75	176,337.83	64.5911%	54,652.16	31,226.01	23,426.15	152,911.68	128,301.00	33,149.53
RESIDUARY HEIRS:										
CHILDREN OF ED LOGAN										
1/5 TO CAROLYN WATSON	19,333.70		19,333.70	7.0818%	5,992.07		5,992.07	13,341.63		13,341.63
CHILDREN OF JOE LOGAN										
1/5 TO MARY LOU DAVIS	19,333.71		19,333.71	7.0818%	5,992.07		5,992.07	13,341.64		13,341.64
1/5 TO ANNA LEE RASMUSSEN	19,333.71		19,333.71	7.0818%	5,992.07		5,992.07	13,341.64		13,341.64
1/5 TO LORENE THOMAS	19,333.71		19,333.71	7.0818%	5,992.07		5,992.07	13,341.64		13,341.64
1/5 TO DOROTHY BODAM	19,333.71		19,333.71	7.0818%	5,992.07		5,992.07	13,341.64		13,341.64
RESIDUARY TOTAL	96,668.54	0.00	96,668.54	35.4089%	29,960.36	0.00	29,960.36	66,708.18	0.00	66,708.18
TOTALS	257,582.62	15,423.75	273,006.37	100.0000%	84,612.52	31,226.01	53,386.51	219,619.86	128,301.00	99,857.71

PROOF:

ACCOUNT BALANCE @ 05-15-92	97,992.74
ADD: BALANCE DUE TO ESTATE	34,356.65
LESS: PAYABLES PER SCHEDULE	-32,491.68
LESS: PMT OF SPECIFIC BEQUESTS	-33,149.53
PAYMENT TO RESIDUARY HEIRS	66,708.18

SUMMARY OF ASHA EAST PAYABLE:

JUDGEMENT FOR ESTATE		46,069.69
ADD: INTEREST ON JUDGEMENT		6,200.84
LESS: AMT APPLIED TO PRINCIPAL		-26,452.73
GROSS SALE PROCEEDS	38,333.33	
MINUS SHARE OF ADMIN EXP	-11,880.60	25,817.80

TO WHOM IT MAY CONCERN:

I would like to ask on behalf of Ashsha East that funds from the Manford Logan Estate be distributed to her because of the items not considered in the Judge's Memorandum dated 1-24/89.

1)	conservatorship -	$26,367.00
	24 hour nursing care	5,880.00
	Relief nursing care	6,814.75
2)	Travel expense	3,400.00
3)	Rent to Cedar Lodge	11.00
4)	Postage	925.28
5)	Nonprescription drugs	2,384.00
6)	Diapers & Pads	459.00
7)	Additional Legal	81.00
8)	Additional Funeral	507.00
9)	1/2 Vet bills	
10)	Bills paid in Idaho	1,139.01
	in May of 1985	586.00
11)	Contributions	1,087.00
12)	Additional Misc. Exp.	$49,641.04

Guardian fees were allowed which covers room and board only. We are asking that the extras not be included under this category but under items listed above.

Trudy Oakes

Signed before me this 28th day of October, 1992.

Patricia E. Taylor
My commission expires 7/24/95.